

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANGELO ATENCIO, II,

Case No. 3:23-cv-00548-MMD-CLB

Petitioner,

ORDER

v.
SHERIFF, HUMBOLDT COUNTY,
NEVADA.

Respondent.

12 Angelo Atencio, II has initiated a *pro se* action for a writ of habeas corpus pursuant
13 to 28 U.S.C. § 2241. (ECF Nos. 1-1, 1-2.) He is in custody at Humboldt County Jail and
14 seeks to challenge an Executive Warrant issued by the governor of Nevada for his
15 extradition to California. His application to proceed *in forma pauperis* is granted. (ECF
16 No. 1.) Atencio has submitted two petitions. (ECF Nos. 1-1, 1-2.) He also attaches a
17 “cover letter” in which he states that he submitted two copies of his petition—one copy to
18 be file-stamped and returned to him. (ECF No. 1-3.) But while the petitions are similar,
19 they are not identical. The petition at ECF No. 1-1 is 10 pages in length and was signed
20 November 3, 2023. The petition at ECF No. 1-2 is also 10 pages but is not identical; was
21 signed on September 18, 2023; and also has about 30 pages of exhibits attached. The
22 Court, therefore, directs Atencio to file a notice informing the Court which petition he
23 intends to be the operative petition before the Court.

24 It is therefore ordered that Petitioner's application to proceed *in forma pauperis*
25 (ECF No. 1) is granted.

26 It is further ordered that within 30 days of the date of this order Petitioner file a
27 notice with the Court that states which petition is the operative petition for this Court's
28 consideration.

It is further ordered that if Petitioner fails to respond to the Court's order this action may be dismissed without prejudice.

DATED THIS 6th day of December 2023.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE